



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/169800

PRELIMINARY RECITALS

Pursuant to a petition filed October 29, 2015, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Northern Economic Consortium to deny FoodShare benefits (FS), a hearing was held on December 2, 2015, by telephone.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Northern Economic Consortium
10610 Main Street, Suite 224
Hayward, WI 54843

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Price County.
2. In September, 2015 petitioner received FS for herself and her son. Petitioner submitted a six-month report form on September 10, 2015, and reported that D.B. had moved into the home. The agency obtained D.B.'s income information and notified petitioner that FS were denied for October because income was over the limit for a three-person household.

3. On October 14 D.B. called the agency asking why his son was not added to the case (the reason was that petitioner did not mention the son on her report). The agency immediately added him, and as a result the household was eligible for \$11 FS for October. The \$11 were issued.
4. D.B.'s son was on his mother FS case in 2015, but was taken off her case in August. However, through a system error he was added back to the mother's case in November. As a result the system removed him from petitioner's case again in November, meaning that November FS were denied. Petitioner then filed this appeal.
5. The agency issued FS to petitioner for November under the continued benefits order. It determined that the FS issued to the mother were an overpayment, and the FS issued to petitioner were correct.

DISCUSSION

The problem with this case is that the system will not allow FS to be issued for a person on two cases in the same month. The continued benefits were issued outside the system. At the hearing Ms. [REDACTED] testified that the FS issued to petitioner for November were correct, and thus no issue remains for this appeal. D.B.'s son was added back to petitioner's case for December, so November FS was the only issue prior to the resolution. I will dismiss the appeal because it already has been resolved in petitioner's favor.

CONCLUSIONS OF LAW

Petitioner was eligible for FS in November for a four-person household.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 4th day of December, 2015

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 4, 2015.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability